

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

Bail Appl..No. 5480 of 2007()

CRIME NO.299/07 OF THE MALAPPURAM POLICE STATION

PETITIONER/ACCUSED

1. MUHAMMED SHAFFI, S/O.ALAVI,
MOOZHIKKAL HOUSE, PANAKKAD,
PATTARKADAVU, MALAPPURAM DISTRICT.
2. MUHAMMED SHAREEF, S/O.USMAN,
MULLAPALLY HOUSE, PANAKKAD,
PATTARKADAVU, MALAPPURAM DISTRICT.
3. SHAJAHAN, S/O.ALI,
PARI HOUSE, PANAKKAD,
PATTARKADAVU, MALAPPURAM DISTRICT.
4. SHAMSEER, S/O.MUSTAFA,
KANDANCHIRA HOUSE, PANAKKAD,
PATTARKADAVU, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
MALAPPURAM POLICE STATION- THROUGH
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11/09/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A. No. 5480 OF 2007

Dated this the 11th day of September, 2007

ORDER

Application for anticipatory bail. The petitioners are accused 1 to 4 and they face allegations for offences punishable, inter alia, under Secs.452 and 324 read with Sec.149 of the IPC. The alleged incident took place on 22/4/07. Altogether, 50 identifiable persons have been shown as the accused. The crux of the allegations is that the local inhabitants, who raised objections against the alleged pollution perpetrated by an industrial unit, entered the premises and caused obstruction to the working of the industrial unit. There were allegedly skirmishes with the security personnel employed in the unit. A crime has been registered. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners prays, the

learned Public Prosecutor does not oppose the said prayer and I am satisfied that directions under Sec.438 of the Cr.P.C. can be issued in favour of the petitioners. The learned Public Prosecutor fairly submits that no serious injury has been suffered by any person and without dispute the incident is part of an on going agitation against the alleged pollution perpetrated by the said industrial unit. Appropriate conditions can, of course, be imposed on the petitioners in the interests of a fair, efficient and expeditious investigation.

3. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioners shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 18/9/07. They shall be released on regular bail on their executing bonds for Rs.25,000/- each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 19/9/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of one month. Subsequently, they shall so make themselves available for interrogation before the Investigating Officer as and when

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directed by the Investigating Officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if these directions were not issued at all;

(iv) If the petitioners were arrested prior to their surrender on 18/9/07 as directed in clause (i) above, they shall be released on their executing bonds for Rs.25,000/- each without any sureties undertaking to appear before the learned Magistrate on 18/9/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge